FOR PUBLICATION

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

Hugo Rene Salvatierra-Cermeno, *Petitioner*.

v.

Alberto Gonzales, Attorney General,*

Respondent.

No. 03-72059 Agency No. A70-644-226 ORDER

Filed April 15, 2005

Before: Harry Pregerson, Alex Kozinski and Michael Daly Hawkins, Circuit Judges.

ORDER

We vacated submission in this case pending the resolution of *Molina-Camacho* v. *Ashcroft*, 393 F.3d 937 (9th Cir. 2004), and now order this case submitted.

The BIA had no authority to issue an order removing Salvatierra-Cermeno to Guatemala. *See Molina-Camacho*, 393 F.3d at 941. However, because 8 U.S.C. § 1252 gives us jurisdiction to review only final orders of removal, we lack jurisdiction to consider Salvatierra-Cermeno's petition for review. We therefore treat the petition as a petition for writ of habeas corpus under 28 U.S.C. § 2241 and transfer it to the United States District Court for the District of Arizona, Phoenix Division. *See Molina-Camacho*, 393 F.3d at 942; 28

^{*}Alberto Gonzales is substituted for his predecessor, John Ashcroft, as Attorney General. *See* Fed. R. App. P. 43(c)(2).

U.S.C. § 1631. Upon transfer, Salvatierra-Cermeno may make any necessary amendments to perfect the form of the petition.

TRANSFERRED.

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